FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 3993 OF 2004.
IN
CRIMINL APPEAL NO. 860 OF 2004 .

Mrs.Shirley Nikam. .. Applicant.
vs.
The State of Maharashtra & anr... Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri S.P. Kadam for the applicant.
Shri H.V. Mehta, P.P. for Union of India-respondent No.2.

CORAM: V.M.KANADE,J.
DATED: 07-02-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned P.P. appearing for the Union of India.

2. This is an application seeking stay of the judgment and order passed by the Special Judge, Greater Bombay, in Special Case No. 2 of 1998. The trial Court by the said judgment and order dated 14.6.2004 has convicted the applicant for the offence punishable under the provisions of the Prevention of Corruption Act. The applicant has prefered appeal against the said judgment and order which is admitted by this Court and the

applicant has been released on bail.

3. The applicant now seeks stay of the order of conviction and sentence. It is submitted that the applicant has a good case on merits and he is likely to succeed in the appeal. It is submitted that the applicant has received a show cause notice from the department and if the order of the trial Court is not stayed, there is possibility that she would be suspended by the respondents.

4. In my view, it is not possible to accept the submissions made by the learned Counsel for the applicant, in view of the ratio of the judgment of the Supreme Court in the case of **K.C.Sareen vs. C.B.I., Chandigarh, reported in 2001 SCC (Cri.) 1186**. Application is, therefore, rejected.